

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

LIVE FACE ON WEB, LLC.
a Pennsylvania Company

Plaintiff(s)

v.

EXTREME GYM INC.
DAVID WAINWRIGHT

Defendant(s)

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Case No.: 2:15-cv-02836-NIQA

REPLY TO DEFENDANTS' MOTION TO COMPEL

1. Admitted in part, denied in part. Plaintiff received Defendants' Interrogatories and Request for Production of Documents on September 8, 2015.

2. Admitted in part, denied in part. On or about October 6, 2015, Plaintiff provided timely written answers to Defendants' Interrogatories and a "flash" drive which contained documents in support of answers to Interrogatories and responses to Request for Production of Documents. It is denied that Plaintiff's responses are inadequate. At no time did Defendants inform Plaintiffs that the answers or responses were inadequate, request more specific answers or responses, or explain as to why Defendants' believed Plaintiff's answers or responses were inadequate. Plaintiff's response Defendants' Request to Production of Documents included documentation of both of Defendants' websites (www.theextremegym.com and www.extremegymfranchise.com), Defendants' website source code and/or text, documentation of the infringing version of the LFOW Software, which was stored on Defendants' webserver(s) (www.awsvidclips.com), and a copy of the "main_vsp.js."

3. Admitted.

4. Admitted.

5. Admitted in part, denied in part. On or about October 6, 2015, Plaintiff provided timely written answers to Defendants' Interrogatories and a "flash" drive which contained documents in support of answers to Interrogatories and responses to Production of Documents. It is denied that Plaintiff's responses are inadequate. At no time did Defendants inform Plaintiffs that the answers or responses were inadequate, request more specific answers or responses, or explain as to why Defendants' believed Plaintiff's answers or responses were inadequate. Plaintiff's response Defendants' Request to Production of Documents included documentation of both of Defendants' websites (www.theextremegym.com and www.extremegymfranchise.com), Defendants' website source code and/or text, documentation of the infringing version of the LFLOW Software, which was stored on Defendants' webserver(s) (www.awsvidclips.com), and a copy of the "main_vsp.js." Moreover, on or about October 6, 2015, after the Rule 26 meeting, the parties verbally agreed to review a proposed protective order for Defendant to enter, so that additional documentation could be produced. However, after the stay was lifted, Defendants changed their position and refused to enter into a protective order as is evidenced in the attached letter dated December 14, 2015, which is attached as Exhibit "A."

6. Admitted in part, denied in part. Plaintiff received the letter dated December 14, 2015, informing that Defendants would not enter into a protective order as previously agreed upon. Plaintiff anticipated Defendants would enter into a protective order as a precondition for disclosing further discovery.

7. Denied. It is denied that Plaintiff's responses are inadequate. At no time did Defendants inform Plaintiffs that the answers or responses were inadequate, request more

specific answers or responses, or explain as to why Defendants' believed Plaintiff's answers or responses were inadequate.

8. Denied.

WHEREFORE, Plaintiff requests the Court enter an Order denying Defendants' Motion to Compel.

Respectfully submitted:
LEONARD B. ZOFTIS, ESQ.

Dated: January 7, 2016

By: /s/ Leonard B. Zoftis, Esq.
Leonard B. Zoftis, PA Bar No. 78620
The Law Offices of Leonard Zoftis
12030 Bustleton Avenue
Philadelphia, PA 19116
Tel. (215) 969-3004
Fax (215) 969-3990
lzlaws@aol.com
Attorney for Plaintiff, Live Face on Web, LLC

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ORDER

AND NOW, this _____ day of _____, 2016, upon consideration of the Motion of Defendants to Compel Plaintiff's Discovery responses, it is hereby **ORDERED** that said Motion is **DENIED** until Defendants agree to enter into a protective order.

BY THE COURT:

J.

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CERTIFICATE OF SERVICE

I, Leonard B. Zoftis, Esquire, hereby certify that a true and correct copy of the foregoing has been transmitted by electronic mail on January 7, 2016 to the following parties of record listed below:

David J. Shannon, Esq.
Marshall, Dennehey, Warner, Coleman & Goggin
2000 Market Street
Philadelphia, PA 19103
djshannon@mdwcg.com

Jonathan E. Cross, Esq.
Marshall, Dennehey, Warner, Coleman & Goggin
2000 Market Street
Philadelphia, PA 19103
jecross@mdwcg.com

Dated: January 7, 2016

By: /s/ Leonard B. Zoftis, Esq.
Leonard B. Zoftis, PA Bar No. 78620
The Law Offices of Leonard Zoftis
12030 Bustleton Avenue
Philadelphia, PA 19116
Tel. (215) 969-3004
Fax (215) 969-3990
lzlaws@aol.com
Attorney for Plaintiff, Live Face on Web, LLC